IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6209 OF 2007

Jalinder Tatyaba Yeole.... Petitioner

versus

The State of Maharashtra & ors..... Respondent.

Shri P.S.Dani for the petitioner
Shri S.K.Chinchalikar AGP for respondents 1 and 2.
Shri A.V.Anturkar with Sandip Salunkhe for Respondent no.3.

CORAM; A.P. DESHPANDE, J.
DATED; 28TH AUGUST, 2007

P.C.;

1. The order passed by the Collector rejecting the application moved by the petitioner under Rule 6(5) of the Maharashtra Specified Societies (Election to the Committee) Rules 1961 has given raise to the filing of the present petition. The petitioner claims that he was nominated legally to represent the society as its delegate. The order passed by the Collector clearly reveals that proceedings in regard to two delegates are prepared by the society, allegedly signed by the members. In one of the meeting, the present petitioner is shown to have been nominated as a delegate whereas in the other the respondent no.5 is shown to have been nominated as delegate of the society of respondent no.3. As the Collector was not in a position to decide as to whose delegation is

legal and proper, had earlier passed an order directing the parties to approach the Co-operative Court under section 91. Without going into the question as to whether the Collector was right in so doing or otherwise, one thing is clear that, the stalemate in regard to the representation to the society is creation of its own members. Conflicting records are prepared and produced before the Collector, one of which is obviously illegal. As the process of election has already reached its final stage, I decline to entertain the present petition. In the result the writ petition is summarily dismissed.

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